

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed January 2, 2004. Claims 23 and 27-30 are cancelled and claims 1, 9, 10, 11, 19 and 20 are amended. Claims 1-22, 24-26 and 31-34 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. New Matter Objection

The Examiner objects to newly added claims 21-34 as introducing new matter into the disclosure. Applicants respectfully traverse this objection for the following reasons.

In particular, each of the claims are directed to subject matter that does find support in the original disclosure. By way of this amendment, the specification has been amended to more clearly describe the embodiments shown in the drawings, and certain of the reference numbers in the drawings have been amended to more clearly correspond with the specification. It is believed that no new matter has been added by these amendments, but rather the amendments are clarifying in nature, and more specifically demonstrate that each of the limitations contained in claims 21-34 are more clearly shown.

For example, claim 21 recites:

A pluggable transceiver module, comprising:

a housing having a first side and a face substantially perpendicular to the first side, and **a tab extending beyond the surface of the first side**, and the tab sized to mate with **a slot in a receptacle** of a host device for receiving the pluggable transceiver module housing;

a **member slidably mounted** to the first side of the housing and having an internal end and an external end;

a **wedge** on the internal end of the member, wherein sliding the member inward causes the wedge to slide between the tab and the slot on the receptacle and remove the tab from within the slot, thereby releasing the pluggable transceiver module from the receptacle; and

a **lever** rotatably mounted via an axle proximate to the face of the pluggable transceiver module, said axle be connected to the external end of the

member such that rotating the lever away from the face of the pluggable transceiver cause the rotating axle to push the member inward and drive the wedge between the tab and the slot in order to release the pluggable transceiver module from the receptacle.

Each of the limitations of the claim finds clear support in the specification of the pending application. For example, reference to Figures 1 and 2 clearly show each of the above features. A tab (denoted at 26 in Figure 1 and Figure 6) is clearly shown as extended from the surface of the housing of the transceiver module, denoted at 10 (Figure 1 and Figure 6). Further the tab 26 is shown as being received within a slot 25, or recess, that is formed in the tab portion 24 of the cage 11 of the transceiver system. Further, a member 22 is slidably mounted along the housing of the module 10 (Figure 1 and Figure 2). This sliding member 22 includes a wedge shaped face, as is also shown in those figures, and, as is shown in Figure 2, when the member 22 is slid inward, the wedge portion slides between the tab 26 and the slot 25 on the tab 24, thereby removing the tab 26 from the slot 25. This is also clearly shown in Figure 10. Moreover, the Figures and the specification clearly show that movement of the member is caused by rotating the lever 28, by virtue of the cam 21 formed thereon.

Claim 22 recites the presence of a "cross-bar" on the lever. This feature is clearly shown on lever 28, which includes such a cross-bar structure. Claim 23 is cancelled without prejudice, and thus any objection to that claim is now moot. Claims 24-26 all recite features clearly shown in the drawings and as described above. Claims 27-30 are cancelled without prejudice, rendering moot any objections to those claims. Claims 31 and 32 include limitations that are disclosed in the present application. Claim 33 is similar to the discussion above in connection with claim 21 – each of the limitations find clear support in the application as filed, and thus do not involve the addition of any new matter. Claim 34 finds similar support. With respect to claim 34, it is believed that the lever shown for example in Figures 1 and 2, demonstrates a "knob" like structure that can accommodate a fingernail to grip and remove the module from within the receptacle/cage 11. Moreover, both figures show a lever structure with at least one ridge-like structure that would further act to enable a gripping function.

In sum, it is believed that each of the pending claims 21-22, 24-26, and 30-34 are all directed to subject matter that finds support in the application as filed and thus are not directed to

newly added subject matter. Withdrawal of any pending objection to those claims is respectfully requested.

II. Rejection Under 35 U.S.C. §102(a)

The Examiner rejects claims 1-3, 7-9, 11-13 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by *Ahrens, et al* (United States Publication No. US 2003/0044129 A1). As an initial matter, Applicants note that the cited reference allegedly constitutes prior art under 35 U.S.C. § 102(e) as having a filing date that precedes the filing date of Applicants' application. However, notwithstanding the fact that the *Ahrens* reference fails to disclose the present invention, Applicants expressly reserve the right to swear behind the reference with an earlier invention date.

Ahrens is directed to a structure that is different from that which is presently claimed, and thus is not anticipatory. For example, *Ahrens* is directed to a release mechanism 450 that operates by angularly displacing a lever 470 so as to disengage a locking structure. This angular displacement is different from what is currently claimed, for example, in pending claims 1, 9 and 11, which all require the cam to cause a sliding movement of the ejector button so as to effect a release of the module. This arrangement is distinct from the angular displacement of a lever as is disclosed and taught by *Ahrens*. Moreover, claim 19 is patentably distinct from the teachings of *Ahrens*. That claim specifically requires that the handle be formed as a contiguous length of wire, and that the wire have a cam formed integrally along the wire. This arrangement is clearly not shown or suggested by *Ahrens*, which instead teaches a lever having a faceplate 460 having a curved surface 465. Indeed, the faceplate 460 includes a wall portion 464 that "prevents insertion of fiber optic connectors, thereby intuitively notifying the user that the transceiver is ready for removal from the cage 160." See paragraph 28. Indeed, this not only is not a wire lever, as is claimed, but is counterintuitive to using a wire, which certainly is not conducive to a "faceplate" and/or a wall portion, as is taught by *Ahrens*.

Thus, it is believed that each of the independent claims 1, 9, 11 and 19 are each patentably distinct from the teachings of *Ahrens*, and withdrawal of the pending rejections is respectfully requested. Moreover, for at least the same reasons, each of the claims depending

from those claims are also patentably distinct, and withdrawal of any pending rejections to those claims is respectfully requested.

III. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 4-6, 14-16 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Ahrens, et al.* Again, Applicants note that the cited reference allegedly constitutes prior art under 35 U.S.C. § 102(e) as having a filing date that precedes the filing date of Applicants' application. However, notwithstanding the fact that the *Ahrens* reference fails to suggest the present invention, Applicants expressly reserve the right to swear behind the reference with an earlier invention date.


Again, for at least the same reasons as cited above, it is believed that the *Ahrens* reference discloses or suggests the invention as claimed. In particular, nowhere does *Ahrens* teach or suggest that the handle be formed as a wire portion, nor does it teach or suggest that the cam be formed along a length of the wire. Again, as noted above, *Ahrens* in fact teaches away from such a structural approach, in that it requires a face plate type structure, with an integral wall. Thus, not only does the reference fail to teach such a handle, it tends to teach away from the embodiments as claimed. As such, withdrawal of the obviousness rejection is respectfully requested.

CONCLUSION

In light of the Amendments and the arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

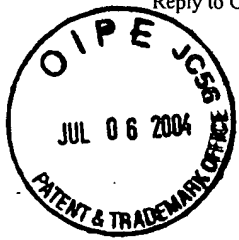
Date: July 2, 2004

By: 

ERIC L. MASCHOFF
Registration No. 36,596
Customer No. 022913

W:\11960\3827\KJB0000003460V001.doc

Application No. 10/006,103
Amendment A dated July 2, 2004
Reply to Office Action mailed January 2, 2004



APPENDIX

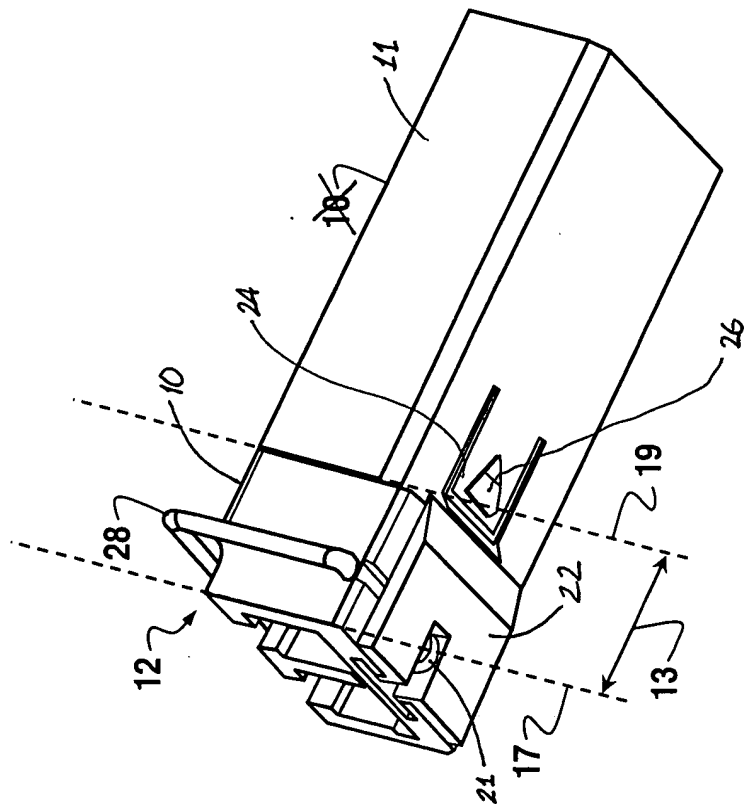


Fig. 1

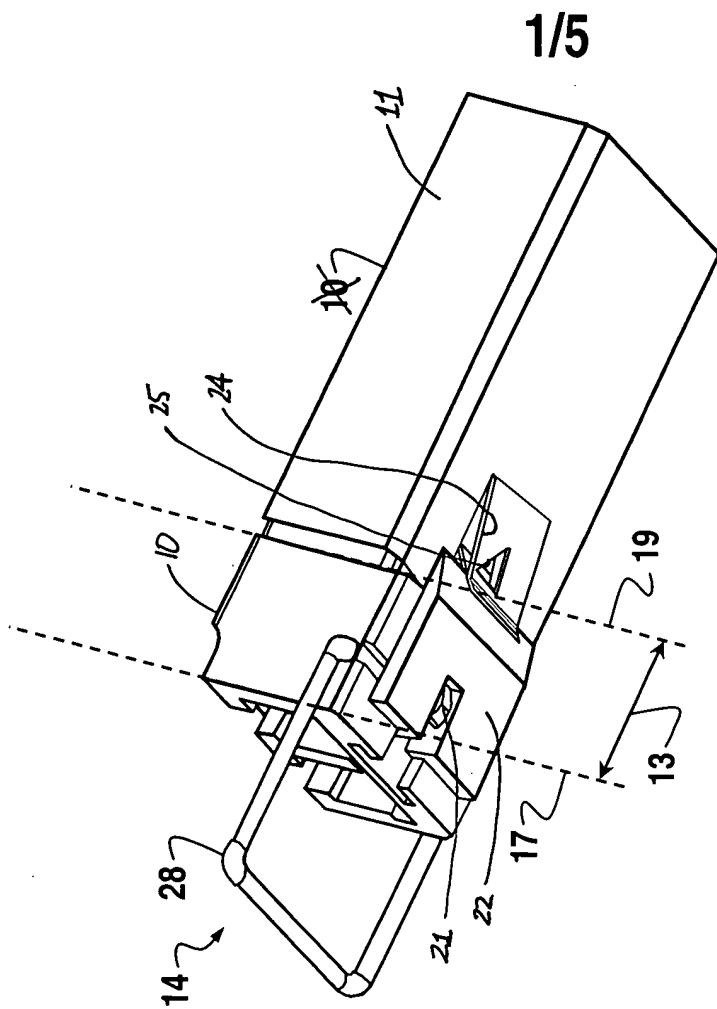
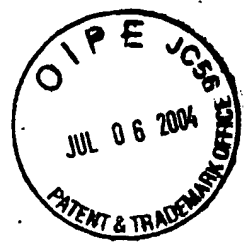


Fig. 2



2/5

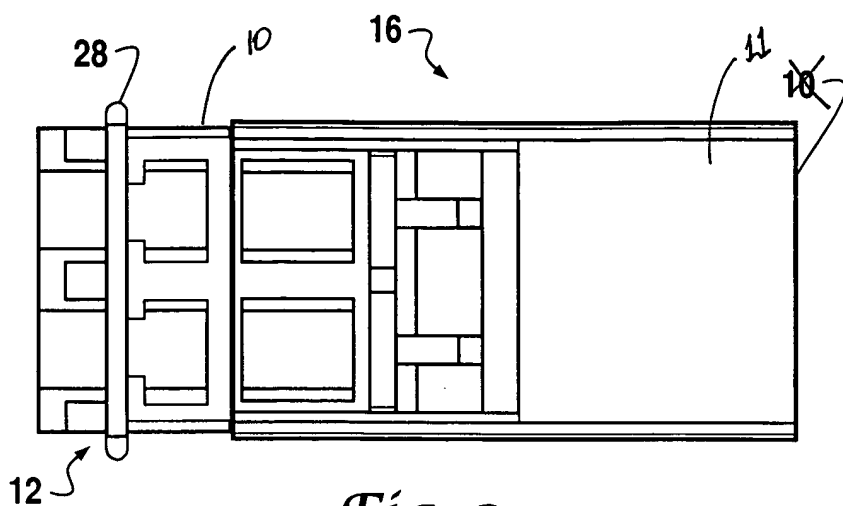


Fig. 3

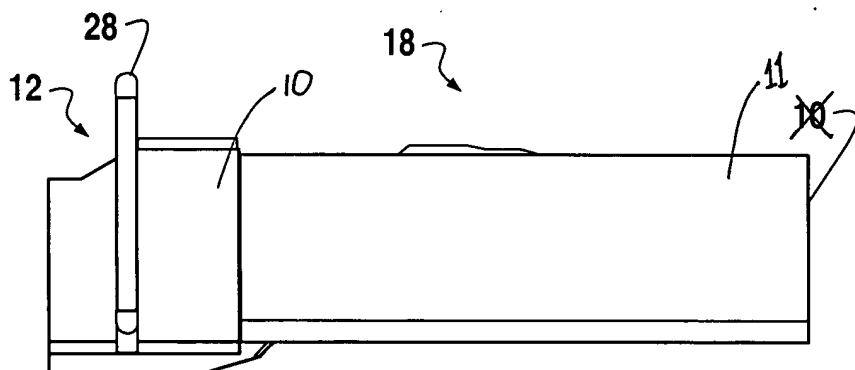


Fig. 4

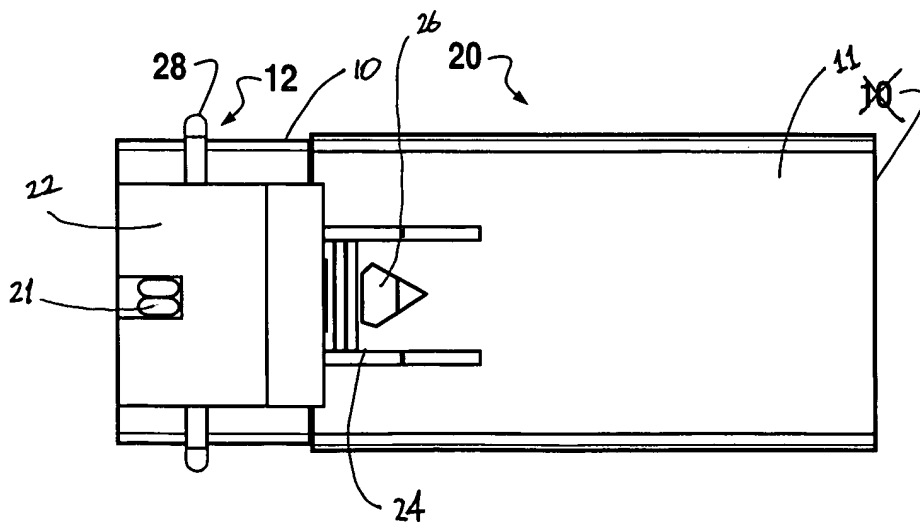


Fig. 5

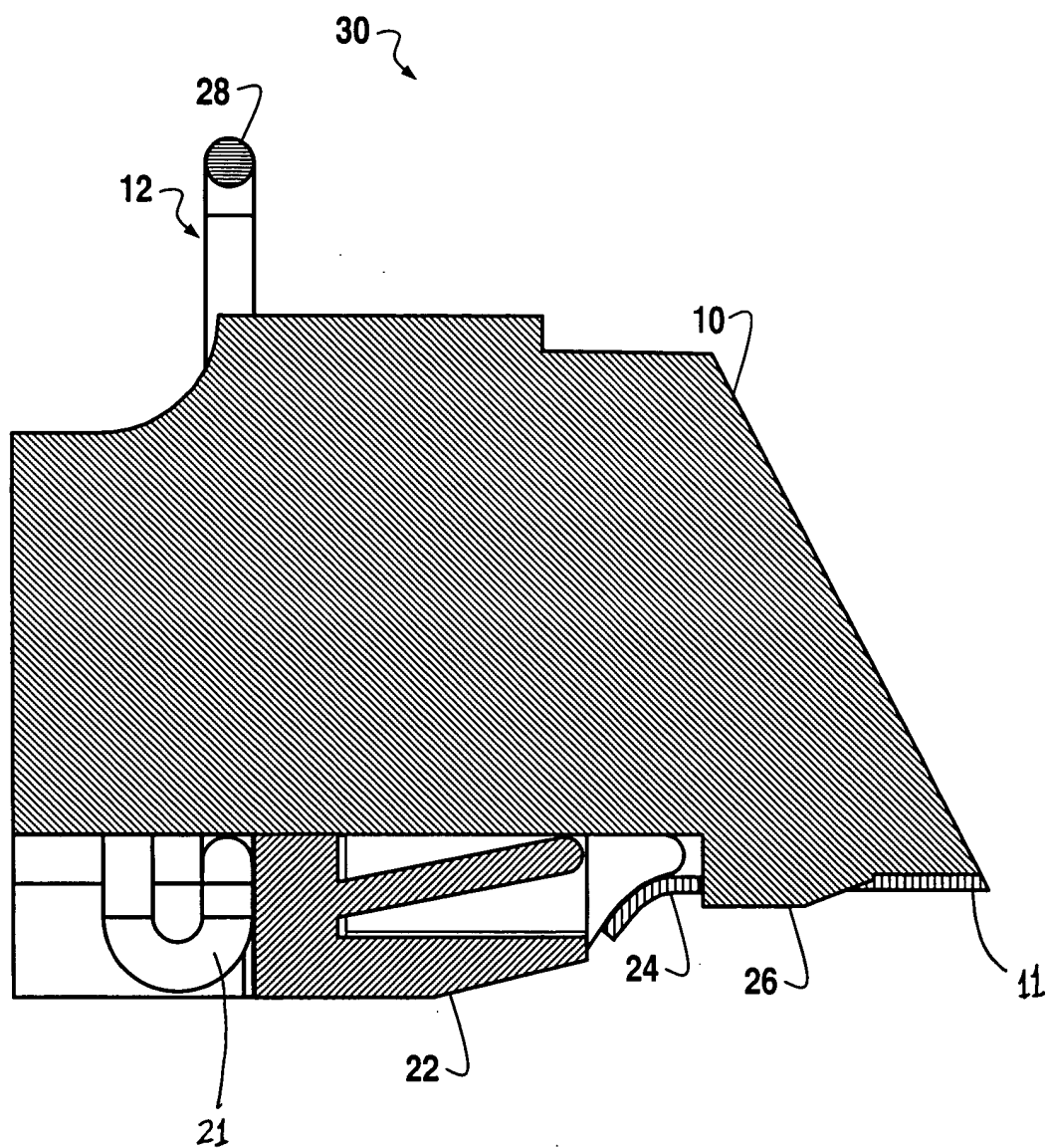


Fig. 6

4/5

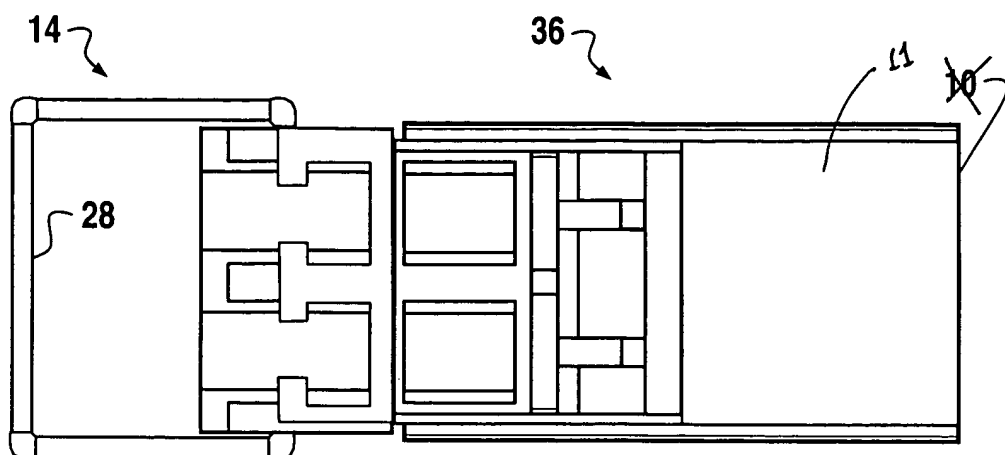


Fig. 7

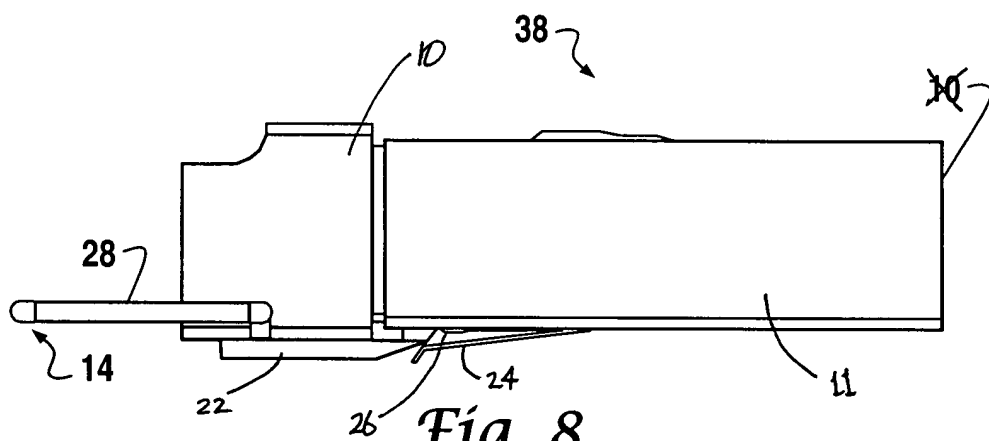


Fig. 8

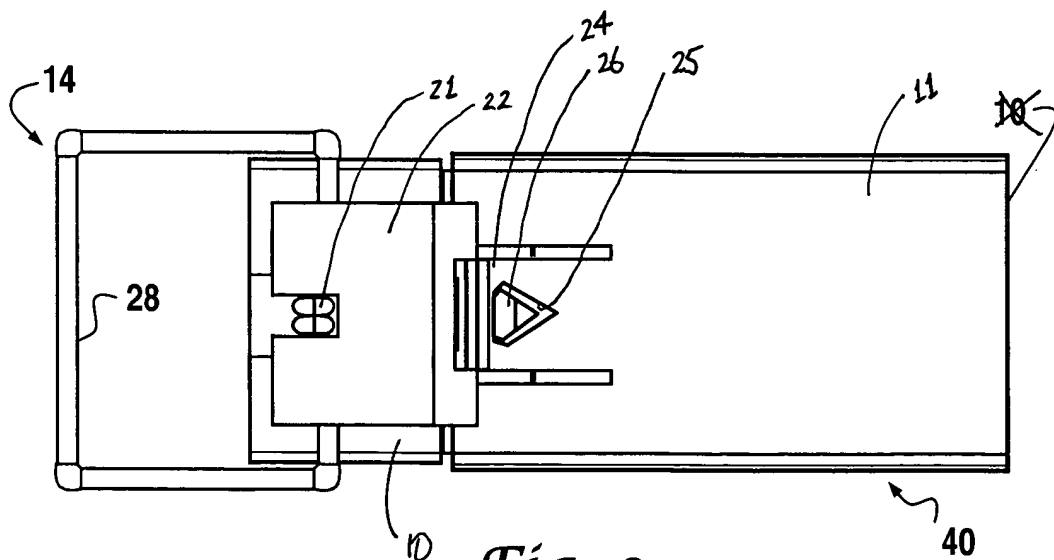


Fig. 9

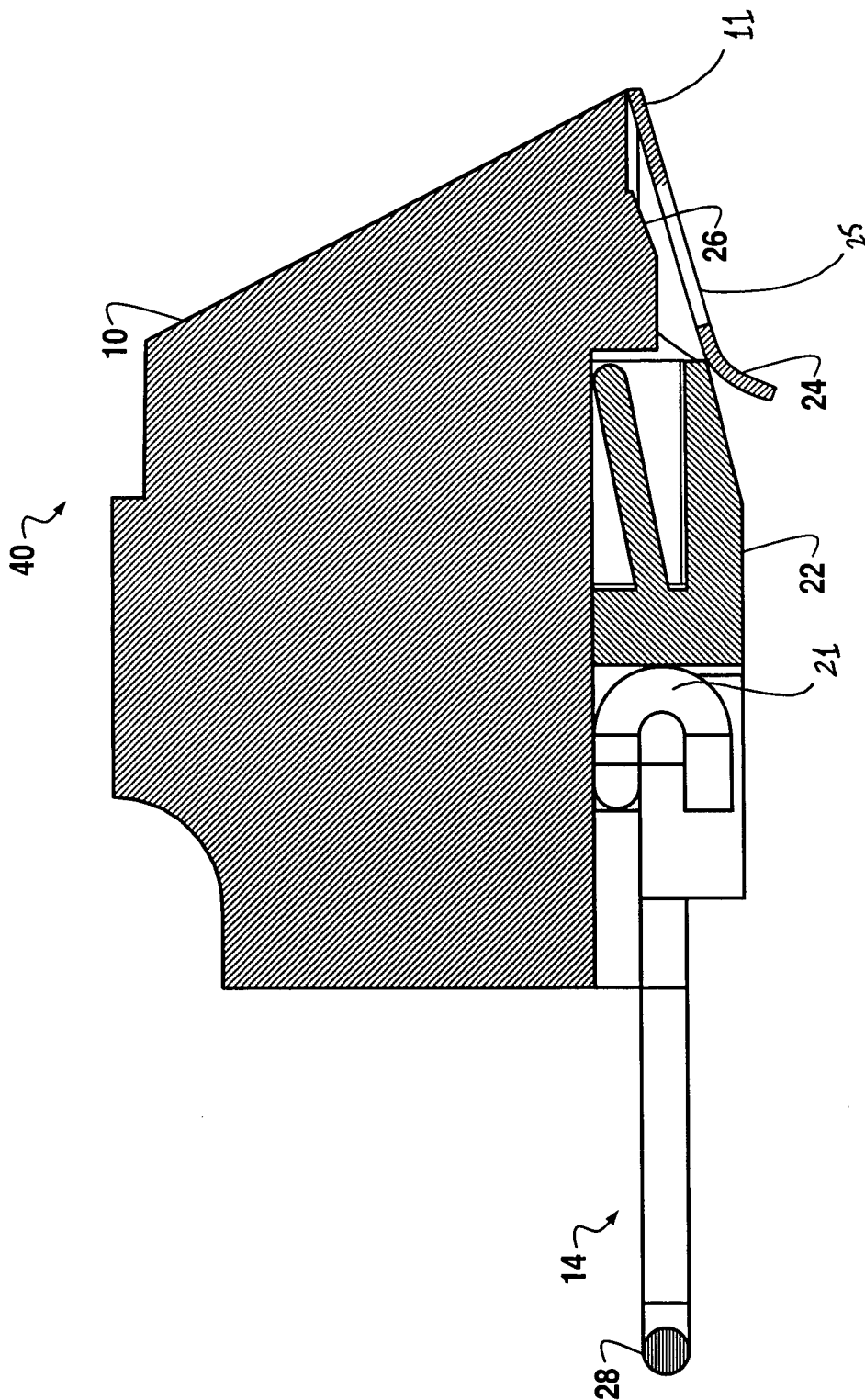


Fig. 10